

Remarks

The examiner's indication of allowability of claims 7-10 and 20, is noted with appreciation. Claims 1-6 have been cancelled. Claims 8, 9, 16, 17 have been rewritten in independent form to include the appropriate limitations.

Claim 11 has been amended by inclusion of the limitations of the amusement device being hand held, (see reference to key fob on Page 2, line 23), the strips extending horizontally, confining means being concealed between the longitudinal edge portion so that front drawing surface of the tablet is continuous extending, uninterrupted by the confining means, to opposite longitudinal ends of the strips, which together define opposite vertically extending lateral edges of the drawing tablet so that lateral edge portions can be formed by finger pressure (page 1, line 26) into profiles of faces of different characters faces with the individual strips being sufficiently thin, (as shown in the drawings), to maintain continuity of the profiles, as shown in figures 4 and 5. This enables an image of a character's face to cover the entire front image carrying face extending to the transverse edges uninterrupted by any confining means so that the full effect of altering the profile and the remainder of the face is enabled for the user to change facial expression, for example, as disclosed on page 2, line 7, providing much amusement. The horizontal disposition of the strips also results in the transverse edges extending vertically, correctly positioned to form the profile of a person's face.

In contrast, the strips of the primary reference, Whitney, extend vertically in all examples indicating unsuitability of an edge forming a profile of a person's face - which is certainly not suggested. The whole teaching of the reference is directed to correct juxtaposition of the vertical strips to complete a image that has been previously provided on the image carrying surface formed by the strips, the strips being evidently too thick to alter an image while maintaining visual continuity of the image. Furthermore, the reference does not teach that the ends of the strips could be utilized for image (profile) formation and clearly, as mentioned above, are not sufficiently thin to provide sufficient continuity to construct a continuous profile of a person's face. The claim is not therefore anticipated by Whitney, and furthermore, should the question arise, the claim cannot be

considered to be obvious in view of the teaching of Witney in view of the absence of teaching the application of the claimed invention and the structural unsuitability therefor.

Claim 14 has been amended to specify that the hat has a crown located centrally of a brim so as to be symmetrical, providing a framing context for selective display on the drawing surface of a front view of a character's face and side views of a character's face. Claim 15 has also been amended to specify the symmetry of the collar for selective display on the drawing surface of a front view of a character's face and side views of a character's face.

New claim 21 emphasizes the small size of the claimed device in contrast to the evidently large, often free standing devices.

New method claim 22 emphasizes a method of forming variable profiles of character's faces, neither disclosed nor suggested by the references. In addition to visual stimulation, the claimed invention provides both tactile and visual stimulation for the user increasing the amusement effect.

Accordingly, it is believed that the claims define patentable subject matter and favorable reconsideration of the application is requested.

A credit card payment form is attached authorizing a charge for the small entity fees for the additional independent claims together with a charge for a three month extension of the term permitted for replying to the office action which extension is hereby requested.

Respectfully submitted,

By: Robert W.J. Usher Date: 10/14/04  
Robert W.J. Usher  
Reg. No.30923  
(212) 633-1076

I hereby certify that this paper together with any attachments is being transmitted by facsimile to Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450, on October 14, 2004

Robert W.J. Usher 10/14/04  
Robert W.J. Usher